

PATENT

(Practitioner's Docket No. IN- 5562)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ines MANGELS, Karl-Heinz JOSTEN,
Udo NENNER, Egon WEGNER,
Ekkehard SAPPER and Nicola ZARSESerial No.: This application is a National
Phase of Patent Application
PCT/EP00/08503 filed 31 August 2000.

Group Art Unit: Not Assigned

Filed: Monday, March 11, 2002

Examiner: Not Assigned

For: USE OF ASSOCIATIVE THICKENERS BASED ON POLYURETHANE AND/OR
DIPROPYLENE GLYCOL MONOALKYL ETHERS IN COLOURED AND/OR DECORATIVE EFFECT
MULTI-LAYERED LACQUERSCommissioner of Patents
Washington, D.C. 20231EXPRESS MAIL CERTIFICATE

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Date of Deposit

March 11, 2002

I hereby certify that the following attached paper or fee

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Cover page of Published PCT-application

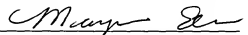
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is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10
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complete application, specification and drawings, responses to rejection or refusal, notice of appeal, etc. If the serial number of the application is not known, the identification should include at least the name of the inventor(s) and the title of the invention.

Note: The label number need not be placed on each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail." Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing of the drawings be accompanied by a set of informal drawings on which the label number is placed.

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 29 May 2001 (29.05.01)	
International application No. PCT/EP00/08503	Applicant's or agent's file reference PAT187(Z)PCT
International filing date (day/month/year) 31 August 2000 (31.08.00)	Priority date (day/month/year) 23 September 1999 (23.09.99)
Applicant MANGELS, Ines et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 01 March 2001 (01.03.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Charlotte ENGER Telephone No.: (41-22) 338.83.38
---	---

PATENT

(Practitioner's Docket No. IN- 5562)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ines MANGELS et al

Serial No.: 10/088,376

Filed: March 11, 2002

Group Art Unit: not yet assigned

Examiner: not yet assigned

For: Use Of Associative Thickeners Based On Polyurethane and/or Dipropylene Glycol Monoalkyl Ethers In Coloured and/or Decorative Effect Multi-Layered Lacquers

Assistant Commissioner of Patents
Washington, D.C. 20231

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following PAGES are being facsimile transmitted to the Patent and Trademark Office fax No.: (703) 872-9310 on the date shown below.

(X)	Communication For Submitting the English Translation Of The International Preliminary Examination Report In Triplicate	03 Pages
(X)	English Translation Of The International Preliminary Examination Report	03 Pages
(X)	Certificate of Facsimile Transmission	01 Page
Total Pages		07 Pages

Date: June 12, 2002Sandra Barry

(Typed or printed name of person signing certification)

Sandra Barry
Signature

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PATENT

(Practitioner's Docket No. IN-5562)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ines MANGELS et al.

US Serial No.: 10/088,376

Filed: March 11, 2002

For: Use Of Associative Thickeners Based
On Polyurethane and/or Dipropylene Glycol
Monoalkyl Ethers In Coloured and/or
Decorative Effect Multi-Layered Lacquers

Group Art Unit: Not Assigned

Examiner: Not Assigned

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Sandra Barry
Sandra Barry

COMMUNICATION FOR SUBMITTING THE ENGLISH TRANSLATION OF THE
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Hon. Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Submitted herewith is a copy of the English Translation of the International
Preliminary Examination Report for the above-mentioned patent application.

Applicant believes that no fee is required for submitting the English Translation of the
International Preliminary Examination Report. However, if applicant has inadvertently
overlooked the need for a fee the Commissioner is hereby authorized to charge any
additional fees or credit any overpayment to Deposit Account No. 23-3425.

This form is submitted in triplicate.

Respectfully Submitted,

Michael F. Morgan
Michael F. Morgan
Registration No. 42,906

Customer No. 26922

Date: June 12, 2002
BASF Corporation
28701 Telegraph Road
Southfield, Michigan 48034-2442
(248)-948-2355

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PATENT

(Practitioner's Docket No. IN-5562)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ines MANGELS et al.

US Serial No.: 10/086,376

Filed: March 11, 2002

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Group Art Unit: Not Assigned

Examiner: Not Assigned

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Sandra Barry

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Translation

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PAT187(Z)PCT	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)
International application No. PCT/EP00/08503	International filing date (day/month/year) 31 August 2000 (31.08.00)	Priority date (day/month/year) 23 September 1999 (23.09.99)	
International Patent Classification (IPC) or national classification and IPC C09D 175/04, C08G 18/08, 18/66, C09D 7/00			
Applicant BASF COATINGS AG			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the report

II ☐ Priority

III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 01 March 2001 (01.03.01)	Date of completion of this report 09 August 2001 (09.08.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No. <u> </u>	Telephone No. <u> </u>

Form PCT/PEA/409 (cover sheet) (January 1994)

Received from <2489482093> at 6/12/02 1:00:28 PM [Eastern Daylight Time]

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP00/08503

1. Basis of the report

1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments):

- ☒ the international application as originally filed.
- ☒ the description, pages 1-62, as originally filed,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
pages _____, filed with the letter of _____.
- ☒ the claims, Nos. 1-23, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. _____, filed with the letter of _____,
Nos. _____, filed with the letter of _____.
- ☐ the drawings, sheets/fig _____, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 00/08503

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting each statement

1. Statement

Novelty (N)	Claims	1-23	YES
	Claims		NO
Inventive step (IS)	Claims	1-23	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-23	YES
	Claims		NO

2. Citations and explanations

The application relates to the use of associative thickeners based on polyurethane or dipropylene glycol monoalkyl ethers for suppressing optical defects in chromophorous multilayered coatings and water-based coatings containing these additives.

None of the search report citations discloses the indicated use. The subject matter of the application is therefore considered to be novel.

US-A-5 955 063 (D1) is the closest prior art. D1 relates to cosmetic coatings for fingernails (Claim 1). Associative thickeners based on polyurethane are used in these coatings in order to improve the rheological coating properties; see column 4, lines 21 to 31. Furthermore, dipropylene glycol monoalkyl ethers are used in Examples 1 & 8 of D1. However, D1 does not suggest to a person skilled in the art that the indicated substances can be used in chromophorous multilayered coatings and in particular in water-based coatings in order to suppress optical defects. The claimed subject matter therefore also appears to involve an inventive step.

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PAT187(Z)PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
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International Patent Classification (IPC) or national classification and IPC C09D 175/04, C08G 18/08, 18/66, C09D 7/00		
Applicant BASF COATINGS AG		

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<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>

Date of submission of the demand 01 March 2001 (01.03.01)	Date of completion of this report 09 August 2001 (09.08.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No. _____	Telephone No. _____

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP00/08503

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- ☒ the international application as originally filed.
- ☒ the description, pages 1-62, as originally filed,
pages _____, filed with the demand,
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pages _____, filed with the letter of _____.
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Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. _____, filed with the letter of _____,
Nos. _____, filed with the letter of _____.
- ☐ the drawings, sheets/fig _____, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-23	YES
	Claims		NO
Inventive step (IS)	Claims	1-23	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-23	YES
	Claims		NO

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The application relates to the use of associative thickeners based on polyurethane or dipropylene glycol monoalkyl ethers for suppressing optical defects in chromophorous multilayered coatings and water-based coatings containing these additives.

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VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES PATENTWESENS

PCT

INTERNATIONALER RECHERCHENBERICHT

(Artikel 18 sowie Regeln 43 und 44 PCT)

Aktenzeichen des Anmelders oder Anwalts PAT187(Z)PCT	WEITERES VORGEHEN siehe Mitteilung über die Übermittlung des internationalen Recherchenberichts (Formblatt PCT/ISA/220) sowie, soweit zutreffend, nachstehender Punkt 5		
Internationales Aktenzeichen PCT/EP 00/ 08503	<table style="width: 100%;"> <tr> <td style="width: 60%;"> Internationales Anmeldedatum <i>(Tag/Monat/Jahr)</i> 31/08/2000 </td> <td style="width: 40%;"> (Frühestes) Prioritätsdatum <i>(Tag/Monat/Jahr)</i> 23/09/1999 </td> </tr> </table>	Internationales Anmeldedatum <i>(Tag/Monat/Jahr)</i> 31/08/2000	(Frühestes) Prioritätsdatum <i>(Tag/Monat/Jahr)</i> 23/09/1999
Internationales Anmeldedatum <i>(Tag/Monat/Jahr)</i> 31/08/2000	(Frühestes) Prioritätsdatum <i>(Tag/Monat/Jahr)</i> 23/09/1999		
Anmelder BASF COATINGS AG et al.			

Dieser internationale Recherchenbericht wurde von der internationalen Recherchenbehörde erstellt und wird dem Anmelder gemäß Artikel 18 übermittelt. Eine Kopie wird dem Internationalen Büro übermittelt.

Dieser internationale Recherchenbericht umfasst insgesamt 03 Blätter.

☒ Darüber hinaus liegt ihm jeweils eine Kopie der in diesem Bericht genannten Unterlagen zum Stand der Technik bei.

1. Grundlage des Berichts

- a. Hinsichtlich der Sprache ist die internationale Recherche auf der Grundlage der internationalen Anmeldung in der Sprache durchgeführt worden, in der sie eingereicht wurde, sofern unter diesem Punkt nichts anderes angegeben ist.

☐ Die internationale Recherche ist auf der Grundlage einer bei der Behörde eingereichten Übersetzung der internationalen Anmeldung (Regel 23.1 b)) durchgeführt worden.

- b. Hinsichtlich der in der internationalen Anmeldung offenbarten **Nucleotid- und/oder Aminosäuresequenz** ist die internationale Recherche auf der Grundlage des Sequenzprotokolls durchgeführt worden, das

☐ in der internationalen Anmeldung in schriftlicher Form enthalten ist.

☐ zusammen mit der internationalen Anmeldung in computerisierbarer Form eingereicht worden ist.

☐ bei der Behörde nachträglich in schriftlicher Form eingereicht worden ist.

☐ bei der Behörde nachträglich in computerisierbarer Form eingereicht worden ist.

☐ Die Erklärung, daß das nachträglich eingereichte schriftliche Sequenzprotokoll nicht über den Offenbarungsgehalt der internationalen Anmeldung im Anmeldezeitpunkt hinausgeht, wurde vorgelegt.

☐ Die Erklärung, daß die in computerisierbarer Form erfaßten Informationen dem schriftlichen Sequenzprotokoll entsprechen, wurde vorgelegt.

2. ☐ Bestimmte Ansprüche haben sich als nicht recherchierbar erwiesen (siehe Feld I).

3. ☐ Mangelnde Einheitlichkeit der Erfindung (siehe Feld II).

4. Hinsichtlich der Bezeichnung der Erfindung

☐ wird der vom Anmelder eingereichte Wortlaut genehmigt.

☒ wurde der Wortlaut von der Behörde wie folgt festgesetzt:

VERWENDUNG VON ASSOZIATIVEN VERDICKUNGSMITTELEN AUF POLYURETHANBASIS UND/ODER VON DIPROPYLENGLYKOLMONOALKYLETHERN IN FARB- UND/ODER EFFEKTGEBENDEN MEHRSCICH H TLACKIERUNGEN

5. Hinsichtlich der Zusammenfassung

☒ wird der vom Anmelder eingereichte Wortlaut genehmigt.

☐ wurde der Wortlaut nach Regel 38.2b) in der in Feld III angegebenen Fassung von der Behörde festgesetzt. Der Anmelder kann der Behörde innerhalb eines Monats nach dem Datum der Absendung dieses internationalen Recherchenberichts eine Stellungnahme vorlegen.

6. Folgende Abbildung der Zeichnungen ist mit der Zusammenfassung zu veröffentlichen: Abb. Nr. _____

☐ wie vom Anmelder vorgeschlagen

☐ weil der Anmelder selbst keine Abbildung vorgeschlagen hat.

☐ weil diese Abbildung die Erfindung besser kennzeichnet.

☒ keine der Abb.

A. KLASIFIZIERUNG DES ANMELDUNGSGEGENSTANDES

IPK 7 C09D175/04 C08G18/08 C08G18/66 C09D7/00

Nach der internationalen Patentklassifikation (IPK) oder nach der nationalen Klassifikation und der IPK

B. RECHERCHIERTE GEBIETE

Recherchierte Mindestprüfstoff (Klassifikationssystem und Klassifikationssymbole)

IPK 7 C09D C08G

Recherchierte aber nicht zum Mindestprüfstoff gehörende Veröffentlichungen, soweit diese unter die recherchierten Gebiete fallen

Während der internationalen Recherche konsultierte elektronische Datenbank (Name der Datenbank und evtl. verwendete Suchbegriffe)

EPO-Internal, WPI Data, PAJ

C. ALS WESENTLICH ANGESEHENE UNTERLAGEN

Kategorie*	Bezeichnung der Veröffentlichung, soweit erforderlich unter Angabe der in Betracht kommenden Teile	Betr. Anspruch Nr.
X	US 5 955 063 A (BRODY DONALD E ET AL) 21. September 1999 (1999-09-21) Spalte 3, Zeile 32 - Spalte 4, Zeile 37 Anspruch 1; Beispiele 7,10 ---	1
A	US 5 612 408 A (KOENIG KLAUS ET AL) 18. März 1997 (1997-03-18) Spalte 3, Zeile 8 - Zeile 59 Beispiele 1,12; Tabelle 3 ---	1
A	DATABASE WPI Section Ch, Week 199418 Derwent Publications Ltd., London, GB; Class A14, AN 1994-148117 XP002156545 & JP 06 093234 A (DAINIPPON INK & CHEM KK) , 5. April 1994 (1994-04-05) Zusammenfassung --- -/-	1,15,19, 21,22

☒ Weitere Veröffentlichungen sind der Fortsetzung von Feld C zu entnehmen☒ Siehe Anhang Patentfamilie

* Besondere Kategorien von angegebenen Veröffentlichungen :

"A" Veröffentlichung, die den allgemeinen Stand der Technik definiert, aber nicht als besonders bedeutsam anzusehen ist

"E" älteres Dokument, das jedoch erst am oder nach dem internationalen Anmeldedatum veröffentlicht worden ist

"L" Veröffentlichung, die geeignet ist, einen Prioritätsanspruch zweifelhaft erscheinen zu lassen, oder durch die das Veröffentlichungsdatum einer anderen im Recherchenbericht genannten Veröffentlichung belegt werden soll oder die aus einem anderen besonderen Grund angegeben ist (wie ausgeführt)

"O" Veröffentlichung, die sich auf eine mündliche Offenbarung, eine Benutzung, eine Ausstellung oder andere Maßnahmen bezieht

"P" Veröffentlichung, die vor dem internationalen Anmeldedatum, aber nach dem beanspruchten Prioritätsdatum veröffentlicht worden ist

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5. Januar 2001

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17/01/2001

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